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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,962	02/12/2002	Jeffrey Phelan	11908.102J	2265
41434	7590	04/05/2005	EXAMINER	
PATTON BOGGS LLP 2550 M STREET NW WASHINGTON, DC 20037-1350				CLARK, ISAAC R
		ART UNIT		PAPER NUMBER
		2154		

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/072,962	PHELAN ET AL.	
	Examiner	Art Unit	
	Isaac R Clark	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-67 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-67 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 09/30/2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 05/13/2002.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. Claims 1-67 are presented for examination.

### ***Priority***

2. The applicant claims priority under 35 USC § 119(e) from Provisional Application No. 60/347,865 filed 01/15/2002.

### ***Specification***

3. The disclosure is objected to because of the following informalities:
  - a. On page 15, lines 14 and 22, the word "determining" should be replaced with "determine" to make sentences grammatically correct.

Appropriate correction is required.

### ***Drawings***

4. The Examiner contends that the drawings submitted on 09/30/2002 are acceptable for examination proceedings.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 2, 17, 18, 33, 34, 49, and 50 are rejected under 35 U.S.C. 102(e) as being anticipated by Kay et al. (US 6,430,602 B1, "Kay").
7. As per claim 49, Kay discloses a system comprising:

a first machine 18 (Figs. 1, 2) coupled to a display device (col. 6, lines 6-7); a second machine 16, coupled to a machine-readable medium 24 (Fig. 2); and a network 14, coupled to the first machine and the second machine (Fig. 2), wherein the second machine (i) receives, through the network, a first set of information, based on a geographic location of interest to a user (col. 5, lines 8-11 and lines 24-26; query information used to construct profile; query information includes geographic information), (ii) assembles a geographic location profile of the user based on the first set of information (col. 5, lines 8-11), (iii) selects a second set of information based on the geographic location profile of the user (col. 5, lines 30-39), and (iv) sends, through the network, the second set of information to the first machine, wherein the first machine receives, through the network, the second set of information from the second machine to display, through the display device, the second set of information to the user (col. 8, lines 13-15; col. 7, lines 55-56), and wherein the machine-readable medium stores the geographic location profile of the user and the second set of information (col. 5, lines 8-11).

8. As per claim 50, Kay discloses the system of claim 49, wherein the second set of information includes information on at least one of news, business, entertainment, sports, and people (col. 5, lines 25-36; weather or concert information).

9. As per claims 1 and 2, claims 1 and 2 are method claims reciting a process carried out by the system of claims 49 and 50. Claims 1 and 2 are rejected for the same reasons as claims 49 and 50.

10. As per claims 33 and 34, Claims 33 and 34 are product claims reciting the same subject matter as claims 49 and 50. Claims 33 and 34 are rejected for the same reasons as claims 49 and 50.

11. Claims 17 and 18 are rejected for the same reasons as claims 49 and 50.

12. Claims 1, 9, 10, 13-17, 25, 26, 29-33, 41, 42, 45-49, 57, 58, and 61-65 are rejected under 35 U.S.C. 102(e) as being anticipated by Rosenfeld et al. (US 2004/0043760 A1, "Rosenfeld").

13. As per claim 49, Rosenfeld discloses a system comprising:  
a first machine, coupled to a display device (Paragraph 0018; user interface on a browser on a cellular phone); a second machine, coupled to a machine-readable (Fig. 1, item 30) medium; and a network, coupled to the first machine and the second machine (Paragraph 0018; now-cast server connected to end-user over Internet), wherein the second machine (i) receives, through the network, a first set of information, based on a geographic location of interest to a user (Paragraph 0101 and 0102; user information including location input by user), (ii) assembles a geographic location profile of the user based on the first set of information (Paragraph 0102; profile assembled), (iii) selects a second set of information based on the geographic location profile of the user, and (iv) sends, through the network, the second set of information to the first machine (Paragraph 0103; personalized information sent to user from nowcast server), wherein the first machine receives, through the network, the second set of information from the second machine to display (Paragraph 0105-0106; information sent to user for display), through the display device, the second set of information to the user, and wherein the

machine-readable medium stores the geographic location profile of the user and the second set of information (Paragraph 0093; nowcast server collocated with local client; - 0101; profile stored in local client; Paragraph 0096; storing of location specific information).

14. As per claim 57, Rosenfeld discloses the system of claim 49, wherein the geographic location of interest to the user includes at least one of the birthplace, hometown, high school, college, residence, and physical geographic location of at least one of (i) the user itself, and (ii) at least one of a friend, an acquaintance, a family member, a colleague, a customer and a competitor of the user (Fig. 1, user location; Fig. 2, item 112; family member location; Paragraphs 0102 and 0130).

15. As per claim 58, Rosenfeld discloses the system of claim 49, wherein the geographic location of interest to the user includes a geographic location nearby at least one of the birthplace, hometown, high school, college, residence, and physical geographic location of at least one of (i) the user itself, and (ii) at least one of a friend, an acquaintance, a family member, a colleague, a customer and a competitor of the user (Paragraph 0102; position within 30 minutes of current user location and location of children).

16. As per claim 61, Rosenfeld discloses the system of claim 49, wherein the first set of information includes information based on at least one of a present and a past geographic location of at least one of (i) the user itself, and (ii) at least one of a friend, an acquaintance, a family member, a colleague, a customer and a competitor of the

user (Paragraph 0102; user's current location as determined by GPS; and current location of family member; Fig. 2).

17. As per claim 62, Rosenfeld discloses the system of claim 61, wherein the second machine is configured to receive the first set of information from the first machine, and wherein at least one of the first machine and the user itself of the first machine determines the present geographic location of the user (Paragraph 0102; location determined using GPS or cell locating technology or user can input location).

18. As per claim 63, Rosenfeld discloses the system of claim 61, wherein the second machine is configured to receive the first set of information from at least one of the first machine and a third machine, and wherein the second machine determines the present geographic location of the user (Paragraph 0096, 0102).

19. As per claim 64, Rosenfeld discloses the system of claim 63, wherein at least one of the first machine and the third machine includes at least one of a global positioning device and a telecommunication locating device (Paragraph 0102).

20. As per claim 65, Rosenfeld discloses the system of claim 49, wherein the first set of information includes information based on a geographic location nearby at least one of a present and a past geographic location of at least one of (i) the user itself, and (ii) at least one of a friend, an acquaintance, a family member, a colleague, a customer and a competitor of the user (Paragraph 0102; current location of user and a family member).

21. As per claims 1, 9, 10, 13, 14, 15, and 16, these claims are method claims reciting a process carried out by the system of claims 49, 57, 58, 61, 64, 62, and 65

respectively. Claims 1, 9, 10, 13, 14, 15, and 16 are rejected for the same reasons as claims 49, 57, 58, 61, 64, 62, and 65.

22. As per claims 33, 41, 42, 45, 46, 47, and 48, these claims are product claims reciting the same subject matter as claims 49, 57, 58, 61, 64, 62, and 65 respectively. Claims 33, 41, 42, 45, 46, 47, and 48 are rejected for the same reasons as claims 49, 57, 58, 61, 64, 62, and 65.

23. As per claim 17, Rosenfeld discloses an apparatus comprising: a processor 22 to receive a first set of information (Fig. 1, Paragraph 0032), based on a geographic location of interest to a user; a transmitter to send, through a network (Paragraph 0032; network interface), the first set of information to assemble a geographic location profile of the user (Paragraph 0101-0102; profile assembled); a receiver to receive, through the network, a second set of information, based on the geographic location profile of the user (Paragraph 0103; personalized information sent to user from nowcast server); and a display device to display the second set of information to the user (Paragraph 0105), wherein the transmitter, the receiver, and the display device are coupled to the processor (Fig. 1), and wherein the geographic location profile of the user is based on the first set of information (Paragraph 0102; profile assembled from first information sent by user).

24. As per claims 25, 26, 29, 30, 31 and 32, these claims are rejected for the same reasons as claims 57, 58, 61, 64, 62, and 65 respectively.

***Claim Rejections - 35 USC § 103***

25. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

26. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

27. Claims 3, 4, 19, 20, 35, 36, 51, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kay et al. (US 6,430,602 B1, "Kay") in view of Abo et al. (US 5,948,041, "Abo").

28. As per claim 51, Kay teaches the system substantially as recited in claim 49, but fails to explicitly teach wherein the second machine is configured to: determine a geographic location based on the second set of information, append the geographic location to the second set of information, and compare (i) the geographic location profile of the user and (ii) the geographic location appended to the second set of information to select the second set of information.

29. Abo teaches determining a geographic location based on the second set of information, append the geographic location to the second set of information (col. 3, lines 49-57), and compare (i) the geographic location profile of the user and (ii) the geographic location appended to the second set of information to select the second set of information (col. 3, line 59-col. 4 line 8).

30. It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Kay and Abo because they both deal with retrieving of information based on a geographic profile of the user. Furthermore, the teaching of Abo to append the geographic location to the second set of information and to compare the geographic profile of the user to the appended geographic location to select the second set of information would increase the efficiency of providing relevant information from the user by selecting data associated with an optimal location automatically (col. 1, lines 61-66).

31. As per claim 52, Kay does not teach wherein the geographic location appended to the second set of information is used to correlate the second set of information with at least one geographic location.

32. Abo teaches wherein the geographic location appended to the second set of information is used to correlate the second set of information with at least one geographic location (Fig. 5, col. 3, lines 15-21 and 59-67).

33. It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Kay and Abo because they both deal with retrieving of information based on a geographic profile of the user. Furthermore,

the teaching of Abo to correlate the second set of information with at least one geographic location would increase the efficiency of providing relevant information from the user by selecting data associated with an optimal location automatically (col. 1, lines 61-66).

34. As per claims 3 and 4, claims 3 and 4 are method claims reciting a process carried out by the system of claims 51 and 52 respectively. Claims 35 and 36 are rejected for the same reasons as claims 51 and 52.

35. As per claims 35 and 36, Claims 35 and 36 are product claims reciting the same subject matter as claims 51 and 52 respectively. Claims 35 and 36 are rejected for the same reasons as claims 51 and 52.

36. Claims 19 and 20 are rejected for the same reasons as claims 51 and 52.

37. Claims 5-8, 21-24, 37-40, and 53-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kay et al. (US 6,430,602 B1, "Kay") in view Campbell (US 2004/0133799 A1).

38. As per claim 53, Kay teaches the system substantially as recited in claim 49, but fails to explicitly teach wherein the second machine is configured to receive, through the network, a third set of information from the first machine, and wherein the third set of information is based on the second set of information sent to the first machine.

39. Campbell teaches wherein the second machine is configured to receive, through the network, a third set of information from the first machine (Paragraph 0049, 0050 user at first machine transmits request to expand or refine search based on second set of information), and wherein the third set of information is based on the second set of

information sent to the first machine (Paragraph 0051, search expanded to neighboring geographic areas).

40. It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Kay and Campbell because they both deal with retrieving and displaying data based on a geographic location from the requester. Furthermore, the teaching of Campbell to transmit third information based on the second information increases the efficacy of the user search for geographic information by expanding the search to nearby regions when the current search was not fruitful (Campbell 0052).

41. As per claim 54, Kay does not explicitly teach wherein the machine-readable medium is configured to store a fourth set of information, and wherein the second machine, coupled to the machine-readable medium, is configured to (i) select the fourth set of information based on the third set of information (Paragraph 0051 additional information selected based on request to expand search), and (ii) to send, through the network, the fourth set of information to the first machine (Paragraphs 0051-0052: results of expanded search transmitted to requester).

42. It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Kay and Campbell because they both deal with retrieving and displaying data based on a geographic location from the requester. Furthermore, the teaching of Campbell to store fourth information and to select the fourth information based on third information increases the efficacy of the

user search for geographic information by expanding the search to nearby regions when the current search was not fruitful (Campbell 0052).

43. As per claim 55, Kay fails to explicitly teach wherein the second set of information sent to the first machine includes a link for the user to select the fourth set of information.

44. Campbell teaches the second set of information sent to the first machine includes a link for the user to select the fourth set of information (Paragraph 0048, user link provided to narrow search to a desired area by selecting a particular geographic area).

45. It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Kay and Campbell because they both deal with retrieving and displaying data based on a geographic location from the requester. Furthermore, the teaching of Campbell to include a link to select the fourth information based on third information increases the efficacy of the user search for geographic information by expanding the search to nearby regions when the current search was not fruitful (Campbell 0052).

46. As per claim 56, Kay teaches wherein the fourth set of information includes information on at least one of news, business, entertainment, sports, and people (col. 5, lines 25-36; weather or concert information).

47. As per claims 5, 6, 7, and 8, these claims are method claims reciting a process carried out by the system of claims 53, 54, 55, and 56 respectively. Claims 5, 6, 7, and 8 are rejected for the same reasons as claims 53, 54, 55, and 56.

48. As per claims 37, 38, 39, and 40, these claims are product claims reciting the same subject matter as claims 53, 54, 55, and 56 respectively. Claims 37, 38, 39, and 40 are rejected for the same reasons as claims 53, 54, 55, and 56.

49. Claims 21, 22, 23, and 24 are rejected for the same reasons as claims 53, 54, 55, and 56.

50. Claims 11, 12, 27, 28, 43, 44, 59, and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenfeld et al. (US 2004/0043760 A1, "Rosenfeld") in view of Campbell (US 2004/0133799 A1).

51. As per claim 59, Rosenfeld teaches the system substantially as recited in claim 49, including specifying the geographic location of the user and at a family member (Fig. 1, user location; Fig. 2, item 112; family member location; Paragraphs 0102 and 0130) but fails to explicitly teach wherein the geographic locations include a zip code.

52. Campbell teaches specifying geographic locations by using zip codes.

53. It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Rosenfeld and Campbell because they both deal with retrieving and displaying data based on a geographic location from the requester. Furthermore, the teaching of Campbell to specify a geographic location using zip codes increases the efficiency of a geographic search by specifying a search region using a compact notation (See Campbell, Paragraphs 0012).

54. As per claim 60, Rosenfeld teaches the system substantially as recited in claim 49, including where the geographic location of interest is a geographic location nearby a location of the user and a family member (Paragraph 0102; position within 30 minutes of

current user location and location of children), but fails to explicitly teach wherein the geographic locations include a zip code.

55. Campbell teaches specifying geographic locations by using zip codes.
56. It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Rosenfeld and Campbell because they both deal with retrieving and displaying data based on a geographic location from the requester. Furthermore, the teaching of Campbell to specify a geographic location using zip codes increases the efficiency of a geographic search by specifying a search region using a compact notation (See Campbell, Paragraphs 0012).
57. As per claims 11 and 12, claims 11 and 12 are method claims reciting a process carried out by the system of claims 59 and 60 respectively. Claims 11 and 12 are rejected for the same reasons as claims 59 and 60.
58. As per claims 43 and 44, Claims 43 and 44 are product claims reciting the same subject matter as claims 59 and 60 respectively. Claims 43 and 44 are rejected for the same reasons as claims 59 and 60.
59. Claims 27 and 28 are rejected for the same reasons as claims 59 and 60.
60. Claims 66 and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kay et al. (US 6,430,602 B1, "Kay") in view of Olivier (US 6,480,885 B1).
61. As per claim 66, Kay teaches the system substantially as recited in claim 49, but fails to explicitly teach wherein the machine-readable medium is configured to store a third set of information, and wherein the second machine is configured to select the third set of information based on at least one of (i) the first set of information, (ii) the

geographic location profile of the user, and (iii) the second set of information, and to send, through the network, the third set of information to a third machine.

62. Olivier teaches wherein the machine-readable medium is configured to store a third set of information (col. 6, lines 34-40; third information is message from a profiled user), and wherein the second machine is configured to select the third set of information based on at least one of (i) the first set of information, (ii) the geographic location profile of the user, and (iii) the second set of information, and to send, through the network, the third set of information to a third machine (geographic profile from user is matched against profiles of other user generating second information. If a match is found third information is sent to a matching user; col. 6, lines 42-54).

63. It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Kay and Olivier because they both deal with obtaining information based on a geographic profile. Furthermore, the teaching of Olivier to store a third set of information and to communicate it based on the first information or the geographic profiles of the user would allow users to interact based on common geographic interests thus facilitating finding and communicating with parties having shared concerns (col. 4, lines 1-6).

64. As per claim 67, Kay fails to explicitly teach wherein the third set of information identifies the first mentioned user of the first machine to a second user of the third machine.

65. Olivier teaches wherein the third set of information identifies the first mentioned user of the first machine to a second user of the third machine (col. 14, lines 29-34).

66. It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Kay and Olivier because they both deal with obtaining information based on a geographic profile. Furthermore, the teaching of Olivier to provide third information identifying the user of the first machine to a second user on a third machine would allow users to interact based on common geographic interests thus facilitating finding and communicating with parties having shared concerns (col. 4, lines 1-6).

***Conclusion***

67. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art with respect to "Method and apparatus for consuming information based on a geographic location profile of a user".

- i. US 6,397,040 B1 Titmuss et al.
- ii. US 2002/0152266 A1 Burfeind et al.
- iii. US 6,738,630 B2 Ashmore
- iv. US 2003/0069940 A1 Kavacheri et al.

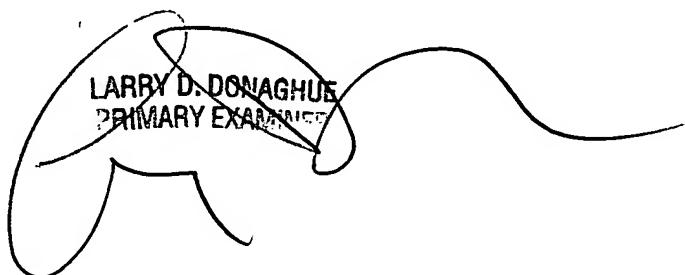
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac R Clark whose telephone number is (571)272-3961. The examiner can normally be reached on Monday-Friday 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (571)272-3964. The fax phone

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IRC



LARRY D. DONAGHUE  
PRIMARY EXAMINER